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UNCLAS SECTION 01 OF 02 SANAA 003106

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TAGS: [PTER](#) [ASEC](#) [KCRM](#) [EFIN](#) [KHLs](#) [KPAO](#) [YM](#) [COUNTER TERRORISM](#)

SUBJECT: YEMEN: ADDENDUM TO THE 2004 ANNUAL TERRORISM REPORT

REF: A. STATE 245841

[B](#). SANAA 2328

[C](#). SANAA 2021

[D](#). SANAA 2535

[1](#). Below is the text of Post's addendum to the 2004 Yemen submission to the annual terrorism report. The text of the report and the addendum have also been forwarded to CT POCs via e-mail. Report sent septel.

The M/V Limburg Trial

[2](#). For more detailed information on the M/V Limburg trial see refs B and C. Details of convictions as follows:

-- Omer Sa'id Jarallah, Fawzi al-Hababi, Mohammed al-Ammari, Fawzi al-Wajid Yasser Ali al-Madani were sentence to ten years in prison for their role in the 2002 attack on the French tanker the M/V Limburg.

-- Fawza al-Rabi'ea and Abu Bakr al-Rabi'ea were sentence to ten years in prison for plotting to attack the Civil Aviation and Meteorology Authority.

-- Ibrahim al-Howeid, Aref Saleh Mujalli, Mohammed Ali al-Daylami, Qassem al-Rayni, and Abdul-Ghani Dhayfan were sentenced to five years in prison for plotting to attack foreign embassies in Sanaa and to kill the U.S. Ambassador to Yemen.

-- Salim al-Dulaymi and Khalid al-Juloab were sentence to three years in prison for forging documents for the purpose of carrying out terrorist attacks.

-- Hizam Mujallad was sentence to death for the killing of a Ministry of Interior police officer while fleeing the attack on a Hunt Oil helicopter.

The USS Cole Trial

[3](#). For more detailed information on the USS Cole trial see ref D. The FBI provided the Attorney General's office with extensive case and DNA evidence to assure that the ROYG has all information required for prosecution, and assisted with courtroom security. Details of convictions as follows:

-- Ring leaders Jamal Badawi and Abd al-Rahim Nashiri (in absentia) received death sentences.

-- Fahd al-Quso was sentence to ten years in prison for involvement in planning the attack.

-- Ali Muhammed al-Murrakkab and Murad al-Surouri received were sentence to five years in prison for indirect involvement in planning the attack.

-- Mamoun al-Mussawab was sentence to 8 years in prison for planning the attack.

Jabber al-Banna

[4](#). Al-Banna is a dual U.S. - Yemeni national. Despite Post,s continued calls for his extradition to the U.S., the ROYG maintains that it is constitutionally precluded from allowing it. Post continues to work for his extradition.

Response of Judicial System to Terrorism

[5](#). The judicial system is slow and prosecution of terrorism cases is conducted on an ad-hoc basis. The judicial system is subject to frequent interference by the Executive Branch. There is no term for terrorism under Yemeni law and CT related cases are prosecuted in the same manner as all criminal cases, with the exception that they are tried in a special penal court for "public danger.⁸ There are reports that the Ministry of Interior is authoring a new Terrorism Law, but it has yet to be considered by Parliament.

Major Impediments to Prosecution

16. On paper the Attorney General's Office (AG) is the primary investigative body. In practice, the Ministry of Interior's (MOI) Political Security Organization (PSO) conducts a "mirror process" and like the AG's office, the PSO has its own detention and investigation procedures. PSO holds suspects indefinitely, whereas the AG must make a case against an individual or release him within 180 days. There is little or no cooperation between the PSO and the AG and often the cases of terror suspects are passed to the AG from the PSO to make a determination on prosecution without the sharing of any case evident.

Extradition and assistance to U.S, requests

17. It is extremely difficult to extradite a suspect with Yemeni citizenship. The Yemeni Constitution specifically prohibits extradition. Negotiations are currently under way between the ROYG and USG redress the situation.

Use of intelligence in investigation

18. It appears that the Cole and Limburg trials were conducted without the use of intelligence, although the suspects were in PSO custody prior to trial. There are no restrictions on wiretapping and interception of communication.

ROYG efforts to investigate terrorism

19. A new unit was created in the Ministry of Interior to investigate terrorism in November of this year. Post does not know yet if this unit will be effective. LEGATT has requested to establish a cooperative relationship with the new unit.

Insurgency not related to GWOT

10. From June until early September, the ROYG Military and the Central Security Forces (CSF) were engaged in an increasingly bloody effort to put down an uprising in the Northern region of Sa'ada. The insurgency was led by anti-American Shi'ite cleric Hussein Badr al Dein al-Houthi. Several hundred died on each side before the conflict ended September 10 with the fatal shooting of al-Houthi by Yemeni forces CSF attempting to capture him.
KRAJESKI